

# EXHIBIT D



**DEPARTMENT OF HEALTH & HUMAN SERVICES**  
Secretary

Office of the

Assistant Secretary for Public Affairs  
Washington, D.C. 20201

**Case No. 2019-00704-FOIA-OS**

**April 3, 2019**

Mr. Austin R Evers  
Executive Director  
American Oversight  
1030 15th Street, N.W., Suite B255  
Washington, DC 20005

Dear Mr. Evers:

This letter is in response to your March 18, 2019, Freedom of Information Act (FOIA) request. Specifically, you requested the following:

“communications, summaries of any oral communications, or other materials reflecting communications) between Secretary Alex Azar or any person communicating on his behalf, and any of the individuals or entities listed below:

- 1) Eli Lilly and Company
- 2) Lilly USA, LLC
- 3) Healthcare Leadership Council
- 4) HMS Holdings, Inc.
- 5) Biotechnology Innovation Organization
- 6) Seraphim Strategies, LLC

Please provide all responsive records from January 29, 2018.”

This letter is to obtain clarification regarding the subject matter of your FOIA request. We are unable to ascertain from your request which particular agency records you wish to obtain.

The FOIA allows the public to request access to "reasonably described" existing agency records (subject to any applicable FOIA exemptions to disclosure). This means you must describe the category of records you are seeking or the actual document(s), and provide sufficient details to permit a search with reasonable effort, utilizing existing indices and search tools. Unfortunately, you have not described the records with enough specificity to allow us to continue with the processing of your request.

The Office of the Chief Information Officer reports that it is unable to perform an adequate search for responsive records, because your request does not include the corresponding domain names associated with the individuals and entities described in the complaint required to conduct an adequate search.

At this time, we have placed your request in “tolled” status. Therefore, please clarify and describe the records you are seeking, by sending an email to Kaira Wells, of my staff, at

**Page 2 of 2**

**2019-00704-FOIA-OS**

kaira.wells@hhs.gov or calling at (202)-690-7453.

After you further advise us what records you are seeking, we can begin to process your FOIA request.

If you have not contacted our office within 20 business days from the date of this letter, your request will be administratively closed. Therefore, no action on your part is needed, if you no longer have a need for the records.

Sincerely yours,

A handwritten signature in black ink, appearing to read "M. S. Marquis", with a stylized flourish at the end.

Michael S. Marquis  
Director  
Freedom of Information and Privacy Act Division